

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

L.S., on behalf of himself and all others)
similarly situated, by his next friend)
JASON MAURER,)
Plaintiff,)
v.) NO.23-2303-NJR
)
FRANKLIN COUNTY, CHIEF JUDGE)
MELISSA MORGAN of the Second)
Judicial Circuit Court, DARLA)
FITZJERRELLS, Director of Court)
Services of the Second Judicial Circuit)
Court, and LAVONDA PORTER,)
Acting Superintendent of the Franklin)
County Juvenile Detention Center,)
Defendants.)

***DEFENDANT, FRANKLIN COUNTY'S
ANSWER TO COMPLAINT***

NOW Comes the Defendant, Franklin County, Illinois, a Municipal Corporation,
by Joseph A. Bleyer of Bleyer and Bleyer, its attorneys, and for its Answer to the
Plaintiff's Class Action Complaint, says:

INTRODUCTION

1. The Defendant, Franklin County, admits that Franklin County Juvenile
Detention detains children. The Defendant, Franklin County, denies the children are
subject to inhumane conditions of confinement, which are known to cause lasting harm.
Otherwise, Franklin County lacks knowledge or information sufficient to form a belief

about the truth of the allegations of Paragraph 1.

2. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 2.

3. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 3.

4. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 4.

5. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 5.

6. The Defendant, Franklin County, admits it was named in a lawsuit as a result of a suicide at the facility. Otherwise, the Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 6.

7. The Defendant, Franklin County, denies each and every allegation of Paragraph 7.

8. The Defendant, Franklin County, denies each and every allegation of Paragraph 8.

JURISDICTION AND VENUE

9. The Defendant, Franklin County, admits there does exist 28 U.S.C. §§ 131 and 1343(a)(3), but denies the Plaintiff's Complaint states a cause of action and further

denies the Plaintiff is entitled to the relief sought.

10. The Defendant, Franklin County, admits there does exist 28 U.S.C. § 1391(b)(2), but denies the Complaint states a cause of action, and further denies the Plaintiff is entitled to the relief sought.

11. The Defendant, Franklin County, does admit there exists 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure, but denies the Plaintiff's Complaint states a cause of action or that the Plaintiff is entitled to the relief sought.

PARTIES

12. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegation of Paragraph 12.

13. The Defendant, Franklin County, admits it is a unit of local government and that the staff of the Detention Center's salaries are paid by Franklin County with reimbursement from the State of Illinois. Otherwise, the Defendant, Franklin County, denies the remaining allegations of Paragraph 13.

14. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 14.

15. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 15.

16. The Defendant, Franklin County, lacks knowledge or information sufficient

to form a belief about the truth of the allegations of Paragraph 16.

17. The Defendant, Franklin County, denies each and every allegation of Paragraph 17.

BACKGROUND

18. The Defendant, Franklin County, admits the facility is located in Benton, Illinois, and houses juveniles from across Southern Illinois. Otherwise, the Defendant lacks knowledge or information sufficient to form a belief regarding the allegations of Paragraph 18.

19. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 19.

20. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 20.

21. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 21.

22. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 22.

23. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 23.

I. FCJDC Detains Children in Unconstitutional Conditions

24. The Defendant, Franklin County, denies each and every allegation of

Paragraph 24.

25. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 25.

A. L.S.'s Experience at FCJDC

26. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 26.

27. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 27.

28. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 28.

29. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 29.

30. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 30.

31. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 31.

32. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 32.

33. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 33.

34. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 34.

35. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 35.

36. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 36.

37. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 37.

38. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 38.

39. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 39.

40. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 40.

41. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 41.

42. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 42.

43. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43.

44. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 44.

45. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 45.

46. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 46.

47. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 47.

48. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 48.

B. T.T.'s Experience at FCJDC

49. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 49.

50. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 50.

51. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 51.

52. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 52.

53. The Defendant, Franklin County, lacks knowledge or information sufficient

to form a belief about the truth of the allegations of Paragraph 53.

54. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 54.

55. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 55.

56. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 56.

57. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 57.

58. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 58.

59. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 59.

60. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 60.

61. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 61.

62. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 62.

63. The Defendant, Franklin County, lacks knowledge or information sufficient

to form a belief about the truth of the allegations of Paragraph 63.

64. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 64.

65. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 65.

C. T.W.'s Experience at FCJDC

66. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 66.

67. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 67.

68. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 68.

69. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 69.

70. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 70.

71. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 71.

72. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 72.

73. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 73.

74. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 74.

75. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 75.

76. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 76.

77. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 77.

D. A.B.'s Experience in FCJDC

78. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 78.

79. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 79.

80. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 80.

81. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 81.

82. The Defendant, Franklin County, lacks knowledge or information sufficient

to form a belief about the truth of the allegations of Paragraph 82.

83. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 83.

84. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 84.

85. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 85.

86. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 86.

87. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 87.

88. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 88.

89. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 89.

90. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 90.

91. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 91.

92. The Defendant, Franklin County, lacks knowledge or information sufficient

to form a belief about the truth of the allegations of Paragraph 92.

93. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 93.

94. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 94.

95. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 95.

96. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 96.

97. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 97.

II. The Inhumane Conditions at FCJDC are Well-Known to Defendants

98. The Defendant, Franklin County, denies each and every allegation of Paragraph 98.

A. IDJJ Recently Declared FCJDC a “Facility in Crisis”

99. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 99.

100. The Defendant, Franklin County, neither admits or denies the allegations of Paragraph 100 in that the allegations are nothing more than legal conclusions. However, to the extent a response is required, the Defendant denies each and every allegation of

Paragraph 100.

101. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 101.

102. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 102.

103. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 103.

104. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 104.

105. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 105.

106. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 106.

107. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 107.

108. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 108.

B. FCJDC Has a Public, Documented History of Youth Suicide and Suicide Attempts

109. The Defendant, Franklin County, admits it was a party to *McKinney v. Franklin County*, filed in the United States District Court for the Southern District of

Illinois, and this lawsuit arises out of a suicide. Otherwise, the Defendant denies the remaining allegations of Paragraph 109.

110. The Defendant, Franklin County, admits a twelve-year-old committed suicide while confined in the FCJDC facility and the child's Estate sued multiple FCJDC officials. Otherwise, the Defendant denies the remaining allegations of Paragraph 110.

111. The Defendant, Franklin County, admits the Complaint restates portions of the filing in *McKinney*, but otherwise denies the remaining allegations of Paragraph 111.

112. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 112.

113. The Defendant, Franklin County, admits the District Court granted the Summary Judgment filed by Franklin County in the *McKinney* case and the case was settled while on Appeal to the Seventh Circuit Court of Appeals. Otherwise, the Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 113.

III. The Conditions at FCJDC Are a Direct Result of Policies, Customs, and Practices Defendants Developed

114. The Defendant, Franklin County, denies that it has policymaking authority for the Center and denies it exercises hiring authority and oversight of the facility. Otherwise, the Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 114.

115. The Defendant, Franklin County, denies each and every allegation of

Paragraph 115.

116. The Defendant, Franklin County, admits the Juvenile Detention Facility was constructed. Otherwise, the Defendant, Franklin County, lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations of Paragraph 116.

117. The Defendant, Franklin County, admits it constructed the facility and is responsible for the payment of the construction of the facility, and it owns the building which houses the FCJDC. Otherwise, the Defendant denies the remaining allegations of Paragraph 117.

118. The Defendant, Franklin County, admits the funding for the facility does come from payment by other Counties for detaining Minors at FCJDC and Franklin County is responsible for the debt. Otherwise, the Defendant denies the remaining allegations of Paragraph 118.

119. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations regarding financial and staffing challenges. Otherwise, the Defendant denies the remaining allegations of Paragraph 119.

120. The Defendant, Franklin County, admits the facility has remained open and the Defendants, Melissa Morgan and Darla Fitzjerrels, are responsible for overseeing, supervising, and implementing the day-to-day operations. Otherwise, the Defendant denies the remaining allegations of Paragraph 120.

121. The Defendant, Franklin County, admits the statement “the low staffing

levels [] are not sustainable to properly run the facility,” is in the Auditor’s Report, but otherwise denies the remaining allegations of Paragraph 121.

122. The Defendant, Franklin County, denies it is responsible for staffing levels at FCJDC and otherwise denies the remaining allegations of Paragraph 122.

123. The Defendant, Franklin County, denies it is responsible for the staffing and resources at FCJDC, and otherwise denies the remaining allegations of Paragraph 123.

IV. The Conditions and Culture of Solitary Confinement Maintained at FCJDC are Profoundly Harmful

A. Extended Solitary Confinement is Harmful for Children

124. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 124.

125. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 125.

126. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 126.

127. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 127.

128. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 128.

129. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 26.

130. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 130.

131. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 131.

132. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 132.

133. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 133.

134. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 134.

135. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 135.

136. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 136.

137. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 137.

138. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 138.

B. Defendants Confine Children in Physical Conditions That Create a Psychologically Abusive Environment

139. The Defendant, Franklin County, denies each and every allegation of

Paragraph 139.

140. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 140.

141. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 141.

142. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 142.

143. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 143.

144. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 144.

145. The Defendant, Franklin County, denies each and every allegation of
Paragraph 145.

C. Withholding Mental Healthcare from Youth Subjected to Extended Solitary Confinement is Harmful

146. The Defendant, Franklin County, denies each and every allegation of
Paragraph 146.

147. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 147.

148. The Defendant, Franklin County, lacks knowledge or information sufficient

to form a belief about the truth of the allegations of Paragraph 148.

149. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 149.

D. Withholding Education from Youth Subjected to Extended Solitary Confinement is Harmful

150. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 150.

151. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 151.

152. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 152.

153. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 153.

154. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 154.

155. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 155.

CLASS ALLEGATIONS

156. The Defendant, Franklin County, denies the allegations of Paragraph 156 and further denies the Plaintiff has failed to meet the requirement of certification.

157. The Defendant, Franklin County, denies the allegations of Paragraph 157

and further denies the Plaintiff has failed to meet the requirement of certification.

158. The Defendant, Franklin County, denies the allegations of Paragraph 158 and further denies the Plaintiff has failed to meet the requirement of certification.

159. The Defendant, Franklin County, denies the allegations of Paragraph 159 and further denies the Plaintiff has failed to meet the requirement of certification.

160. The Defendant, Franklin County, lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 160.

161. The Defendant, Franklin County, denies the allegations of Paragraph 161 and further denies the Plaintiff has failed to meet the requirement of certification.

162. The Defendant, Franklin County, denies the allegations of Paragraph 162 and further denies the Plaintiff has failed to meet the requirement of certification.

163. The Defendant, Franklin County, denies the allegations of Paragraph 163 and further denies the Plaintiff has failed to meet the requirement of certification.

164. The Defendant, Franklin County, denies the allegations of Paragraph 165 and further denies the Plaintiff has failed to meet the requirement of certification.

CAUSES OF ACTION

COUNT I

166-180. The Defendant, Franklin County, makes no response to Paragraphs 166 to 180 in that no relief is sought against this Defendant.

COUNT II

181. The Defendant, Franklin County, repeats and realleges its response to Paragraphs 1 through 180 as its response to Paragraph 181.

182. The Defendant, Franklin County, denies each and every allegation of Paragraph 182.

183. The Defendant, Franklin County, denies each and every allegation of Paragraph 183.

184. The Defendant, Franklin County, denies each and every allegation of Paragraph 184.

185. The Defendant, Franklin County, denies each and every allegation of Paragraph 185.

186. The Defendant, Franklin County, denies each and every allegation of Paragraph 186.

187. The Defendant, Franklin County, denies each and every allegation of Paragraph 187.

188. The Defendant, Franklin County, denies each and every allegation of Paragraph 188.

189. The Defendant, Franklin County, denies each and every allegation of Paragraph 189.

190. The Defendant, Franklin County, denies each and every allegation of Paragraph 190.

191. The Defendant, Franklin County, denies each and every allegation of

Paragraph 191.

192. The Defendant, Franklin County, denies each and every allegation of

Paragraph 192.

WHEREFORE, the Defendant, Franklin County, prays the Plaintiff take nothing by their Complaint and this Defendant have Judgment in this cause most wrongfully sustained.

THE DEFENDANT DEMANDS TRIAL BY JURY

BLEYER and BLEYER

S/Joseph A. Bleyer
Attorney Registration No. 6193192
Attorneys for Defendant, Franklin County

FIRST AFFIRMATIVE DEFENSE

NOW Comes the Defendant, Franklin County, Illinois, by Bleyer and Bleyer its attorneys, and for its First Affirmative Defense allege that the Plaintiff's Complaint was not filed within the time specified in the statute of limitations.

THE DEFENDANT DEMANDS TRIAL BY JURY

SECOND AFFIRMATIVE DEFENSE

NOW Comes the Defendant, Franklin County, Illinois, by Bleyer and Bleyer its attorneys, and for its Second Affirmative Defense state that Plaintiff's Complaint fails to state a cause of action as a matter of law.

THE DEFENDANT DEMANDS TRIAL BY JURY

THIRD AFFIRMATIVE DEFENSE

NOW Comes the Defendant, Franklin County, Illinois, by Bleyer and Bleyer its attorneys, and for its Third Affirmative Defense states these defendants have immunity from punitive damages pursuant to 745 ILCS 10/2-102 and 745 ILCS 10/2-213.

THE DEFENDANT DEMANDS TRIAL BY JURY

FOURTH AFFIRMATIVE DEFENSE

NOW Comes the Defendant, Franklin County, Illinois, by Bleyer and Bleyer its attorneys, and for its Fifth Affirmative Defense state states that Franklin County, Illinois is not liable for the actions of its employees. *Monell vs. New York City Department of Social Services*, 436 U.S. 658 (1978); further, the Defendant does not by filing this Fourth Affirmative Defense admit that the other named Defendants are employees of this Defendant.

THE DEFENDANT DEMANDS TRIAL BY JURY

FIFTH AFFIRMATIVE DEFENSE

NOW Comes the Defendant, Franklin County, Illinois, by Bleyer and Bleyer its attorneys, and for its Fifth Affirmative Defense, and state that this Defendant was not deliberately indifferent to the Plaintiff's.

THE DEFENDANT DEMANDS TRIAL BY JURY

BLEYER and BLEYER

S/Joseph A. Bleyer
Attorney Registration No. 6193192
Attorneys for Defendant, Franklin County

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CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2023, I electronically filed an Answer to the Complaint on behalf of Defendant, Franklin County, with the Clerk of the Court using CM/ECF System which will send notifications of such filing to the following:

Alexis Picard
Roger Baldwin Foundation of ACLU, Inc.
ACLU of Illinois
150 N. Michigan Avenue, Suite 600
Chicago, IL 60601

Hal Dworkin
Illinois Attorney General's Office
100 W. Randolph Street, Suite 13th Floor
Chicago, IL 60601

I hereby certify that on November 6, 2023, I mailed by United States Postal Service, the documents to the following nonregistered participants:

None

S/Joseph A. Bleyer

BLEYER and BLEYER
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